



The Cramdown

Tampa Bay Bankruptcy Bar Newsletter

Spring 2001

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The President's Message

By John D. Emmanuel



Is the Filing Wave Finally Here?

Face it. For the last few years, Chapter 11 practitioners in our District have not had many significant reorganization cases to work on. Celotex,

Walter Industries, Hillsborough Holdings, Lykes Steamship, and others have become fading memories. For the last couple of years, members of our bar have been predicting a new wave of Chapter 11 filings. An increase in individual filings has also been expected. However, the wave was always far at sea, somewhere on the horizon, and never reaching our shores. Perhaps until now.

Starting last November, I noted an increase in new creditors' rights files from my firm's clients. Their customers and borrowers were getting late in their payments and more bankruptcy notices were coming in. The stock market was down. Fuel costs were up. Layoffs were increasing. The slowing economy was becoming a reality. I checked in with

colleagues from San Francisco to Philadelphia and they all said the same thing—the wave has finally arrived.

About this same time, I received a call from a business reporter at one of our local television stations. She heard that I was the President of our Association and she wanted to know if bankruptcy filings were in fact increasing in the Tampa Bay area.

I reviewed our Court's website, which has a wealth of statistical information on filings by Chapter, by month, by division, and so forth. Our Clerk of Court, David Oliveria, and our Chief Deputy Clerk, Charles Kilcoyne, graciously agreed to meet with me to review the trends in our District. The following is my take on what is occurring:

1. During the first ten months of 2000, the Tampa Division averaged eleven Chapter 11 filings per month. However, from November of 2000 to January of 2001 we averaged nineteen Chapter 11 filings per month. One could argue that because some of these recent filings were by related Debtors, the

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The Cramdown can be accessed via the internet at www.flmb.uscourts.gov

View From The Bench

By The Honorable C. Timothy Corcoran III

A TIP FOR PREPARING AND PRESENTING ARGUMENT TO THE COURT

I was chatting recently with a lawyer who expounded enthusiastically about how hard he had worked in preparing his jury argument. That got me thinking that I rarely hear a lawyer talk about how hard the lawyer worked in preparing an argument to the court. Yet preparation is equally important whether the argument is to be addressed to a jury or to a judge; it's equally important whether the argument comes at the end of a long trial or during a short hearing. I then began thinking about what I might say to bankruptcy lawyers that would help them better prepare their arguments and make them more effective. Here goes . . .

Three Steps to Success

When preparing an argument, follow these three steps:

Step 1: First figure out the key points you want to make in your argument and the conclusion you want the court to reach.

Step 2: Next prepare an exhibit for the judge summarizing your key points.

Step 3: Then structure your argument to explain in more detailed terms the exhibit you have prepared.

Bingo! You're done.

Applying These Steps

Now, let's see how this works.

Assume your argument is about the law. You will want to present the black letter principles of law that support your conclusion. Prepare your exhibit containing those principles as numbered bullet points, organized in logical sequence, ending with your desired conclusion. Include citations to the main authority supporting each bullet point. End with your conclusion. Your exhibit contains your basic outline of argument. Now develop the more detailed embellishment you will present orally.

Here's another example. Assume your argument requires explaining a complicated set of facts. You will want to present your facts in an easily understandable way that enables the court to reach the

conclusion that you are urging. You might prepare your exhibit containing the key events in chronological sequence. For each, list the date and a brief phrase describing the event. Include citations to key documentary exhibits. Alternatively, you may wish to focus your argument on persons or perhaps on the relationships among several entities. In those cases, your exhibit might be a list of the principal actors and their roles or an organizational chart showing the inter-corporate relationships. Whichever you choose, your exhibit will contain your basic outline of argument. Now develop the more detailed presentation that you'll make orally.

Here's still another example. Assume your argument requires explaining complicated financial information, assets, liabilities, values, or a calculation of damages. Prepare your exhibit summarizing this financial information listing each element or component and the resulting totals. Again, your exhibit will contain your basic outline. Now prepare your detailed explanation of the exhibit that you will present in your argument.

Depending upon the case, you might need more than one exhibit. Perhaps you'll need one on the facts, one on the numbers, and one on the law. In that case, follow these three steps for each part of your argument.

Now you have followed these steps and are prepared for your argument. Your hearing begins. At your first opportunity to address the court, give to opposing counsel and pass up to the judge a copy of the exhibit that you have prepared. Invite the judge to use the exhibit to follow your argument.

The Benefits You and Your Client Receive

Why follow these steps and include an exhibit in your preparation process and for use during your argument? How will this help you?

First, the process of preparing your exhibit will help you organize and refine your presentation. It will help you focus on what information the judge needs to learn from your argument. Your argument will therefore be crisp, clean, and more effective.

Second, having an exhibit will demonstrate to the judge from the start, in a very real way, that you are prepared and that you have something important to say. Not only do judges like lawyers who

(Continued on page 3)

(Continued from page 2)

are prepared, you will evoke in the judge the natural response of listening up and paying attention. That makes your argument more effective.

Third, you are providing something tangible that the judge will take away from the hearing and have later. Your exhibit will be part of the judge's notes. Not only will the judge have a recollection of your argument afterwards, the judge will retain the exhibit containing your outline. If the judge takes the matter under advisement, your exhibit will give you the "last word." Again, your argument is more effective as a result.

All lawyers lose some cases they should win and win some cases they should lose. As a trial advocate, your objective is to minimize the former and maximize the latter. Next time you have an argument to the court, try these steps. See if you don't agree that following them helps your preparation and makes your argument more effective, thereby helping you achieve your objective.



(Continued from page 1)

numbers appear larger than they really are. However, I would venture that a number of the filings in the first ten months of 2000 were also related filings and that we are starting to see a true increase in Chapter 11 filings.

2. While our District and Division have always experienced a large number of Chapter 7 and Chapter 13 filings, the filings during November and December of 2000 did not reflect the same type of increase seen in Chapter 11s. However, January 2001 personal filings were up twelve percent compared to January of 2000, indicating that the wave of consumer filings may be right behind the apparent increase in business filings. February filings to date are also up.

3. Our Court still has one of the busiest dockets in the country. Specifically, the Middle District of Florida recently ranked third in the nation for the number of bankruptcies filed. Only the districts encompassing the Chicago metropolitan area and Southern California had more filings. Our Judges and Clerk of Court should be commended for handling the caseload so well.

So get ready. Tell your staff to expect some overtime. The wave may finally be here.



What Do 3,300 Attorneys Have in Common?

The Hillsborough County Bar Association

Do You Need Legal Placement Services?
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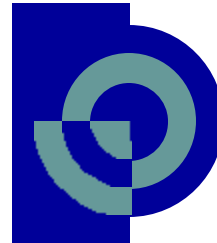
Would You Like To Join Our Lawyer Referral Service?
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Do You Need To Fulfill A CLE Requirement?
Call the Hillsborough County Bar Association

**Do You Want To Participate In
A Community Service Program?**
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The Hillsborough County Bar Association
Where Attorneys Get Connected

Contact: Mark James Catledge
Development Director
Hillsborough County Bar Association
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Edward M. Waller, Jr., a partner in the firm of Fowler White, was named in *The Best Lawyers in America* 2000-2001 edition for excellence in business litigation.

W. Keith Fendrick has joined the law firm of Foley & Lardner as a partner in the firm's Reorganizations and Bankruptcy Department.



Please contact Amanda Hill with any news concerning TBBBA members. (813) 223-7000 ext. 143, (813) 229-4133 (fax) or ahill@carltonfields.com.

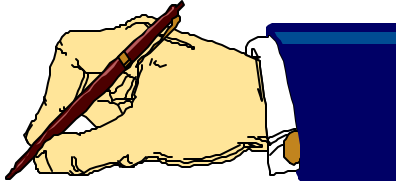


Calendar of Events

Date	Event	Time	Location
Mar. 22-24, 2001	Southeastern Bankruptcy Law Institute	[TBA]	Atlanta, Georgia
April 17, 2001	Biannual Paralegal and Young Lawyer Seminar: Organized by Deputy Clerk of U.S. Bankruptcy Court, Charles G. Kilcoyne, followed by a noon time lunch program: Chapter 7 Tips for Avoiding Bankruptcy Crimes and Filing a Successful Chapter 7 Case	9:30-1:30 pm	Hyatt Westshore
April 19-22, 2001	American Bankruptcy Institute Annual Spring Meeting	[TBA]	Washington, D.C.
April 22-25, 2001	International Bankruptcy Symposium Contact Stetson University College of Law to register		Budapest, Hungary
April 27, 2001	Florida Bar Business Law Section/UCC Committee Spring Seminary	[TBA]	[TBA]
May 17, 2001	Third Annual TBBBA Golf Tournament	Lunch: 12:00 pm Shotgun: 1:00 pm	Westchase Golf Club
May 24, 2001	Bankruptcy Case Law Update Honorable Margaret A. Mahoney U.S. Bankruptcy Court Southern District of Alabama Followed by a noontime lunch program presented by William K. Zewadski and Honorable C. Timothy Corcoran: Bankruptcy Legislative Update	9-1:30 pm	Hyatt Regency Downtown

CLE COMMITTEE NEEDS YOU!

The CLE Committee could use your help with our monthly meetings and CLE programs. We also need to help the annual dinner and its theme. Please call Cathy McEwen (209-5017) or David Tong (224-9000) today to get involved.



A Letter from Patrick R. Smith Feinberg, Isaak & Smith, P.A.

**Chairman of the Association's
Community Relations Committee**

Dear Colleague:

The Tampa Bay Bankruptcy Bar Association ("TBBBA") by and through the TBBBA Community Relations Committee is currently developing a consumer bankruptcy pro bono referral program. At this point, this program will be limited to providing qualified pro se consumer debtors with much needed legal representation in matters that include the defense of objections to discharge (11 U.S.C. §727) and/or dischargeability of a debt (11 U.S.C. §523) as well as confirmation of a Chapter 13 plan (11 U.S.C. §1325). To that end, a listing of volunteer attorneys from which a bankruptcy judge may refer in order to assign at least one matter a year is being compiled on an ongoing basis. I have met with each Judge and have provided them with a list of current volunteers. However, those lists are quite short based on the amount of needed representation. I anticipate updating those respective lists as more TBBBA members join in our effort.

I would encourage all TBBBA members to participate in this extremely important project. Please do not allow inexperience in the consumer bankruptcy arena to discourage your involvement. Various pleadings, research references and direction may be obtained by

contacting my office at (813) 229-2221, ext. 1216 or by mail at 306 Tyler Street, Suite 300, Tampa, FL 33602.

Please feel free to contact me at any time at the above phone number or address in order to discuss your participation or any questions and concerns regarding this effort. I look forward to hearing from you soon.

Thank you,
Patrick R. Smith



Behind on Reading Your Advance Sheets?

Quick Fix Available

The seminar materials from Judge Mary Davies Scott's Case Law Update From May 2000 are available for \$25.00. This price includes a Tampa Bay Bankruptcy Bar Association edition of Matthew Bender's 2000 Collier Portable Code and Rules, a Special 11th Circuit Edition Collier Bankruptcy Case Update, and a 142-page Collier Bankruptcy Case Update by Lexis Publishing containing case digests by Bankruptcy Code section for significant cases decided within the last six months.

You may send a courier, along with a check in the amount of \$25.00 made payable to the Tampa Bay Bankruptcy Bar Association, to pick up the package of materials, while supplies last, from:

Al Gomez
Morse, Berman & Gomez, P.A.
400 N. Tampa St., Suite 1160
Tampa, FL 33602

JACKSONVILLE DIVISION IMPLEMENTS NEW PROCEDURE FOR MOTIONS FOR RELIEF FROM STAYS FILED IN CHAPTER 7 CASES...

NOTICE

TO: Attorneys and other parties in interest

FROM: Jerry A. Funk United States Bankruptcy Judge

DATE: February 8, 2001

RE: Procedure for relief from stay in Chapter 7 cases

The Court informs attorneys and other interested parties that motions for relief from stay in Chapter 7 cases filed on or after March 1, 2001 will be disposed of as follows:

1. Upon receipt of a motion for relief from stay and appropriate accompanying materials, the Court will issue an Order Directing Response to Motion for Relief from Stay, a copy of which is attached to this Notice.

1. If the period set forth in paragraph I of the Order Directing Response passes without an appropriate response being filed, the movant must submit to the Court a proposed order granting relief from the automatic stay based on lack of a response. A sample order is attached to this Notice.

1. If no appropriate response has been filed in opposition to the motion for relief from stay in the time allowed, then the proposed order granting relief from stay will be signed without further notice or hearing. If an appropriate response has been filed, then a hearing will be scheduled and noticed.

A motion for relief from stay filed on or after March 1, 2001 in a Chapter 7 case must be accompanied by affidavits or other qualified attachments setting forth facts relevant to the disposition of the motion, such as the indebtedness alleged and the asserted value of the collateral securing that indebtedness.

The Court hopes that this procedure, with cooperation from all parties involved, will greatly streamline the administration of Chapter 7 cases in the Jacksonville Division. Relief from stay procedures in Chapter 9, 11, 12, and 13 cases will remain unchanged.

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE:

CASE NO:

Debtor(s)

ORDER DIRECTING RESPONSE TO MOTION FOR RELIEF FROM STAY

This case came on for consideration of the Motion for Relief from Stay filed by on. The filing of this motion creates a contested matter under F.R.B.P. Rule 9014. Accordingly, it is

ORDERED:

1. The debtor and the trustee shall file and serve on the moving party their written response to the motion no later than 10 days from the date of service of this order. Pursuant to F.R.B.P. Rule 9006(f), the respondent may add three (3) days to the 10-day response period in calculating the response due date because this order is served by mail.
2. If a responding party fails to file and serve a written response as ordered above, the Court will consider that the responding party does not oppose the relief requested in the motion. In that event, the court will proceed to consider the motion without further notice or hearing upon the submission by the moving party of an appropriate form of proposed order.
3. If the written response reveals factual or legal issues requiring a hearing, the court will schedule a hearing on the motion and notify the parties. Otherwise, the court will consider the motion and the responses on the papers without further notice or hearing.

DATED February 13, 2001, at Jacksonville, Florida.

JERRY A. FUNK
United States Bankruptcy Judge

Copies to: Debtor(s)
Debtor(s)' Attorney (if applicable)
Trustee
United States Trustee
Movant (Name and Address)

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In Re:

CASE NO. (3F7)

Debtor(s).

_____ /

ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY

This Case is before the Court on the Motion for Relief from Stay filed by (Movant) on March 1, 2001. The Court entered an Order Directing Response to Motion for Relief from Stay on March 2, 2001. No appropriate response having been filed in accordance with the Order Directing Response, it is

ORDERED:

1. The Motion for Relief from the Automatic Stay is granted.
2. The Automatic Stay imposed by 11 U.S.C. § 362 is lifted as to Movant, and it may proceed with the foreclosure of its lien on the following property:

[LEGAL DESCRIPTION]

1. This Order is entered for the sole purpose of allowing Movant to obtain an *in rem* judgment against the property described above. Movant shall not seek an *in personam* judgment against Debtor(s).

DATED March 11, 2001 at Jacksonville, Florida.

JERRY A. FUNK
United States Bankruptcy Judge

Copies to:

CHAPTER AND WORSE

A businessman was in a great deal of trouble. His business was failing, he had put everything he had into the business, he owed everybody—it was so bad he was even contemplating suicide. As a last resort he went to a priest and poured out his story of tears and woe. When he had finished, the priest said, "Here's what I want you to do: Put a beach chair and your Bible in your car and drive down to the beach. Take the beach chair and the Bible to the water's edge, sit down in the beach chair, and put the Bible in your lap. Open the Bible; the wind will rifle the pages, but finally the open Bible will come to rest on a page. Look down at the page and read the first thing you see. That will be your answer, that will tell you what to do."

A year later the businessman went back to the priest and brought his wife and children with him. The man was in a new custom-tailored suit, his wife in a mink coat, the children shining. The businessman pulled an envelope stuffed with money out of his pocket, gave it to the priest as a donation in thanks for his advice. The priest recognized the benefactor, and was curious. "You did as I suggested?" he asked.

"Absolutely," replied the businessman.

"You went to the beach?"

"Absolutely."

"You sat in a beach chair with the Bible in your lap?"

"Absolutely."

"You let the pages rifle until they stopped?"

"Absolutely."

"And what were the first words you saw?"

"Chapter 11."



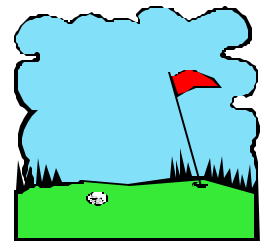
We Need Volunteers to Help Plan The Annual Dinner

This year's annual dinner is in the planning stage and dinner chair Wanda Hagan could use a few good men and women to help her make it a well-attended success.

Anyone interested in assisting, please call Wanda at (813) 229-0144.

VOLUNTEERS NEEDED!

The Third Annual TBBA Golf Tournament is scheduled for April 27, 2001 at Westchase Golf Club. Tournament Chairman Michael C. Markham, is seeking volunteers to assist him with the final preparations for the tournament.



Anyone interested in assisting Mike, please contact at (727) 461-1818 or email Mike at mikem@jbp.com.



*Bankruptcy Bar Members Celebrate
the Holiday Season*



*Russ Blain, Judge Baynes and
Clerk of Court, David Oliveria*

TAMRA BAY BANKRUPTCY ASSOCIATION HOLIDAY
RECEPTION WAS A SUCCESS!



*"Hey, is that Dan Aykroyd from Trading Places or Harvey
Muslin in the Santa Suit"*



*Charlie Postler & Judge "Chris Cringle" Corcorn
Distribute Presents*



After-Hours Filings by Fax? Court Acts to Improve Lawyers' Nightlife

Sometimes fixing a problem takes neither an act of God nor a constitutional amendment but, instead, an observant person to recognize the problem and a proactive person to fix it.

Such is the case with after-hours filings in the Tampa Division. A new procedure for after-hours filings by fax, yes, by fax!, has recently been implemented. The details appear in the accompanying article.

The rules provide that the courthouse is open "24/7" for filings. Implementing that rule (and ours is one of the few federal courts that has done so) was complicated by security issues over the outdoor after-hours boxes we used to know and love. Those boxes are long gone, and, up to now, an after-hours filing meant finding the right person, namely chief deputy clerk Chuck Kilcoyne, to accept the filing. The court designated Mr. Kilcoyne as the after-hours person. He became the "human filing box," no matter where he happened to be at the time.

A late filing usually meant disturbing Mr. Kilcoyne and his gracious and patient wife Debbie at their home (which happened up to three or four times or more per night). It also could mean tracking him down at such interesting alternative venues as school carnivals and local eating establishments. The Kilcoynes never complained, but the procedure was far from perfect.

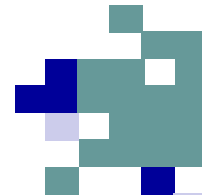
Judge Tim Corcoran learned of this continual interruption of the Kilcoyne dinner hour and home life and the burden on lawyers resulting from the after-hours filing "box" being a moving human target. That led to discussions between Judge Corcoran and Mr. Kilcoyne and a look at procedures in place in the Orlando and Jacksonville divisions.

Following Judge Corcoran's suggestions, Mr. Kilcoyne studied the alternative procedures and the courts' experiences with them. Then he proposed a new procedure to the judges. Instead of having to file an after-hours paper with a real per-

son, a lawyer instead would fax the first and signature pages of the signed paper to a special court number and would then file the entire original paper in the clerk's office by 10:00 the next morning. The Tampa Division judges agreed with the proposal, and the procedure is now in place.

Judge Corcoran's perception of the problem from the lawyer's vantage point, coupled with Mr. Kilcoyne's implementation of a practical solution, create a "win-win" situation. The Kilcoynes are able to enjoy uninterrupted evenings at home and can put on their PJ's without fear of an intruding after-hours lawyer. We lawyers save on Veterans Expressway tolls to the Kilcoyne residence. (Of course, we'll miss those late-night forays to Woodbriar West, but there's a price for everything.) And the integrity of the bankruptcy filing process has been preserved.

Way to go!



Do you have a comment,
idea or suggestion that you
would like to share about

The Cramdown?

Do you have an article that
would be of interest to our
members?

If so, please contact
John J. Lamoureux or
Michael C. Markham.

The Clerk's Corner

by Charles Kilcoyne & Amanda Hill

In an effort to cut down on the vehicular traffic in the Citrus Park area of Tampa (where Mr. Kilcoyne lives), the Judges in the Tampa Division have entered a General Order authorizing after hours filing of petitions and other papers by facsimile. This new procedure will enable the Clerk's office to enhance its service to the public and bar.

The General Order states:

Pursuant to General Order 01-00001-MIS-TPA, please note the following procedures for after-hours filing of petitions and other papers. **This procedure shall only be used for the sole purpose of filing papers after Clerk's Office public hours of operation of 9:00 a.m. to 4:30 p.m. This procedure is not to be used as a convenience to any party. Accordingly, any paper received by facsimile after 12:00 midnight to 4:30 p.m. on a workday will be discarded.**

1. The first page and the signature page must be received by facsimile no earlier than 4:30 p.m. Eastern Standard Time and no later than 12:00 midnight Eastern Standard Time. **Only send these two pages of the document. If more than one document, send first and signature page of each document.**
2. The original document together with any required fee must be received and time-stamped by the Clerk's Office in Tampa not later than 10:00 a.m. Eastern Standard Time of the next business day of the Court. **It is incumbent**

upon the party filing the document to notify the Clerk's Office that a copy of the document was transmitted by facsimile the previous day.

3. Upon receipt of the original document and fee, if any, the Clerk will stamp the following notation on the document:

"This document is deemed filed on

pursuant to General Order governing after-hours filing."
4. If the original document is not received timely, the Clerk will note the fact and the facsimile will have not force or effect.
5. The Clerk's Office will not assign a case number or adversary number to a document until the original is filed with the Court. The Clerk will not acknowledge the filing of the document to any creditor or other party until the original is filed.
6. Documents filed in accordance with the above procedures will be deemed filed on the date and at the time printed on the document by the facsimile machine in the Clerk's Office.

Facsimile Telephone Number (813) 301-5112

A copy of the Order is enclosed herewith.

*The Tampa Bay Bankruptcy Bar would like to thank the Tampa Division Judges and Mr. Chuck Kilcoyne for this innovative after-hours filing procedure.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA AND FORT MYERS DIVISION

FILED

FEB 21 2001

Clerk U. S. Bankruptcy
Court Tampa, FL

In Re:

No. 01-00001-MIS-TPA

PROCEDURES FOR AFTER-HOURS FILING

**GENERAL ORDER PRESCRIBING PROCEDURES FOR
AFTER-HOURS FILING IN THE TAMPA DIVISION
OF THE BANKRUPTCY COURT, MIDDLE DISTRICT OF FLORIDA**

In the interest of enhancing public service and in light of the technology available to practitioners and the public and in use in the Office of the Clerk of the Bankruptcy court, it is

ORDERED that the following procedure of after-hours filing of petitions and other papers in the Tampa and Fort Myers Divisions of the United States Bankruptcy Court shall be as follows:

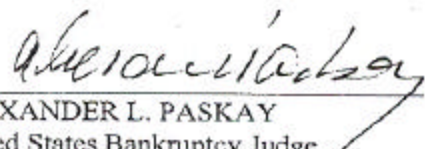
1. The first page and the signature page must be received by facsimile after 4:30 p.m. Eastern Standard Time and before midnight (12:00 a.m. Eastern Standard Time). (Only send two pages of the document.)
2. The original document together with any required fee must be received and time stamped by the Office of the Clerk of the Bankruptcy Court in the Tampa Division of the Bankruptcy Court no later than 10:00 a.m. Eastern Standard Time on the next business day of the Court.
3. Upon receipt of the original document and fee, if any, the Clerk will stamp the following notation on the document:


"This document is deemed filed on _____
pursuant to General Order governing after-hours filing."

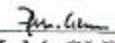
4. If the original document is not received timely, the Clerk will note that fact and the facsimile will have no force or effect.
5. The Clerk's Office will not assign a case number or adversary number to a document until the original is filed with the Court. The Clerk is not to acknowledge the filing of the document to any creditor or other party until the original is filed.
6. Documents filed in accordance with the above procedures will be deemed filed on the date and at the time printed on the document by the facsimile machine in the Office of the Clerk of the Court in the Tampa Division of the Bankruptcy Court.


DONE AND ORDERED at Tampa, Florida on February 21, 2001.


THOMAS E. BAYNES, JR.
Chief United States Bankruptcy


ALEXANDER L. PASKAY
United States Bankruptcy Judge


C. TIMOTHY CORCORAN, III
United States Bankruptcy Judge


PAUL M. GLENN
United States Bankruptcy Judge


MICHAEL G. WILLIAMSON
United States Bankruptcy Judge

A Message from the U.S. Trustee

By T. Patrick Tinker

The Office of the United States Trustee requests that trustees and counsel be on the lookout for cases filed by persons doing business as "Discount Paralegal." Counsel may also wish to consider providing *pro bono* services to debtors whose cases were filed by Discount Paralegal. Although the United States Trustee believes that Discount Paralegal is no longer operating, there are still some cases pending, and it is possible that debtors whose cases have been dismissed may seek assistance to address the ramifications of their filings.

The general allegations being made against Discount Paralegal are as follows: They allegedly contact individuals in foreclosure proceedings and promise to help them retain their homes. Discount Paralegal reportedly directs the individuals to pay a substantial initial fee to Discount Paralegal, often in excess of \$1,000.00. Additional monthly mortgage or so-called "rent" payments are also to be paid directly to Discount Paralegal. Discount Paralegal then allegedly files bankruptcy petitions on behalf of the customers, but very often without their knowledge. Discount Paralegal does not disclose its services in the bankruptcy documents, and many customers allegedly do not receive copies of the bankruptcy documents from Discount Paralegal. Discount Paralegal does, however, properly list the mortgage holders on the bankruptcy documents, so that they receive notice of the filings, with the result that foreclosure and eviction proceedings are stayed as customers continue making the monthly payments to Discount Paralegal. Thus, the bankruptcy filings appear to serve the function of perpetuating the alleged frauds while bankruptcy debtors are unaware that cases were filed on their behalf.

We first became aware of the Discount Paralegal problem when the Office of the Clerk of the Bankruptcy Court observed that several debtors had the same mailing address. That is the typical scenario, and the mailing address most often used in the Tampa Division is PNB 218 in Brandon, Florida (a postal box at Mail Boxes Etc.).

Aside from the assistance provided by the Office of the Clerk of the Bankruptcy Court, we ap-

preciate the efforts of the Orlando Office of the United States Trustee, the United States Attorney's Office in Orlando, the Federal Bureau of Investigation, the Florida Department of Law Enforcement and various postal inspectors. Although the United States Attorney has not issued a press release, the Orlando media reports that the Federal Bureau of Investigation has searched and seized materials from three locations where Discount Paralegal conducted its operations.

If you have any general questions regarding this matter, please feel free to contact Patrick Tinker at the Office of the United States Trustee, (813) 228-2000.

The Tampa Bay Bankruptcy Bar Association would like to thank the following entities who have donated door prizes to the Association's monthly CLE luncheon. All members are encouraged to support and patronize the entities and our advertisers who support the Association:

Southeast Documents Services
Owner: Ken McKee
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TAMPA BAY BANKRUPTCY BAR ASSOCIATION THIRD ANNUAL GOLF TOURNAMENT



When: Friday, April 27, 2001
12:00 p.m. check-in/lunch
1:00 p.m. shot gun start

Where: Westchase Golf Club
10217 Radcliffe Drive
Tampa (813) 854-2331

Format: Four person scramble

Fee: \$60.00 per person
(includes golf and box lunch)

Golfer(s)	Handicap	Telephone Number
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



Please make checks payable to:
Tampa Bay Bankruptcy Bar Association

Send Application and fee to:
Mike Markham
911 Chestnut Street
Clearwater, FL 33756
Phone (727) 461-1818
Fax (727) 443-6548
E-Mail – mikem@jbpfirm.com

Please include all team members (if you have a team) on the same application. Individuals or groups of less than four will be randomly teamed into four person teams. Anyone and everyone is invited – friends, clients, family, non-bankruptcy attorneys – even judges!